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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: John Boreczky, et al.
Application No.: 09/738,905
Confirm. No.: 2658
Date Filed: December 14, 2000
Title: SYSTEM AND METHOD FOR VIDEO
NAVIGATION AND CLIENT SIDE
INDEXING

PATENT APPLICATION

Art Unit: 2614
Examiner: Michael R. Shannon

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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Elaine T. Fischman

Signature Date: November 7 2005

11/08/2005 HDEMESS1 00000031 061325 09738905
03 FC:1201 200.00 DA

RCE and Amendment/Re-Opening of Prosecution and Withdrawal of Appeal
Pursuant to 37 C.F.R. §1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This Amendment is submitted pursuant to 37 C.F.R. Section 1.114(c) in connection with Applicant's Request for Continued Examination ("RCE"), and in response to the Examiner's arguments made in the Advisory Action mailed on July 19, 2005. Applicant submits the current RCE while an appeal currently is pending in the instant case; specifically, Applicant filed a Pre-Appeal Brief Request for Review on July 22, 2005 ("Applicant's Pre-Appeal"). The Notice of Panel Decision from Pre-Appeal Brief Review, mailed on September 12, 2005, responded to Applicant's Pre-Appeal by indicating that claims 1-15 were rejected and instructing Applicant to proceed to the Board of Patent Appeals and Interferences. An Appeal Brief was due on October 12, 2005.

Applicant instead has elected to re-open prosecution before the Examiner and withdraw its appeal, pursuant to 37 C.F.R. section 1.114(d). Applicant includes herewith an appropriate fee for an extension of time and for addition of new claims.

A listing of claims begins on page 3 of this document.

Remarks/Arguments begin on page 7 of this document.